



# SAN FRANCISCO BAY AREA WATER TRAIL DESIGNATION PROCESS

## FREQUENTLY ASKED QUESTIONS February 7, 2013

The following “frequently asked questions” have been assembled to assist site owners and managers interested in joining the San Francisco Bay Area Water Trail (Water Trail or WT) network of landing and launching sites around the nine-county Bay Area.

If your questions are not answered below, please contact Ann Buell, Project Manager, at the State Coastal Conservancy ([abuell@scc.ca.gov](mailto:abuell@scc.ca.gov)) or Galli Basson, Water Trail Planner, at the Association of Bay Area Governments ([GalliB@abag.ca.gov](mailto:GalliB@abag.ca.gov)). You may also want to visit the Water Trail website at <http://www.sfbaywatertrail.org> for more information about the Water Trail program, and <http://scc.ca.gov/2010/07/30/san-francisco-bay-area-water-trail/> for background documents (CEQA documents; the Enhanced Water Trail Plan; the Education, Outreach and Stewardship Program, among others) and meeting agendas and summaries from public Water Trail implementation meetings.

**Executive Summary:** A brief overview of the Designation Process:

- 1) Own or manage a publicly accessible waterfront launch site and express interest in being designated,
- 2) Work with Water Trail staff to assemble relevant information for a Site Description report,
- 3) Attend a Water Trail implementation meeting at which your site is reviewed and discussed and be ready to answer questions,
- 4) Become conditionally designated at an implementation meeting,
- 5) Meet any conditions, such as installing a Water Trail sign on site, and
- 6) Receive final designation.

### **1. What does it mean to be “designated” into the Water Trail?**

Being designated means becoming an official “site” or “trailhead” of the Water Trail, and receiving the benefits that are associated with inclusion in the program. Site owners/managers join the Water Trail voluntarily. The Water Trail program has no regulatory powers. Site owners may be public or private entities.

*Background:* The concept for the San Francisco Bay Area Water Trail originated with Bay Access, Inc. and was legislated in 2005 (AB 1296, Hancock), followed by the development of a draft plan (developed by the San Francisco Bay Conservation and

Development Commission, or BCDC, in 2007) that described, among other things, how the Water Trail would move from being a concept to a reality. One of the most important steps in the process is the official designation, or official inclusion, of individual trailheads into the network of landing and launching sites that comprise the Water Trail. The designation step happens in a public forum to allow community input and involvement (“stakeholders”) and expert guidance from an Advisory Committee.

**2. How does the designation process begin? What does the site owner/manager need to do to become designated? Please explain the process.**

The designation process begins with an expression of interest by the site owner, or in some cases, the manager of the site. (Usually they are the same, but not always). There is no application form. Instead, Water Trail staff work with the main contact person for the site to collect information that describes the site. This information is assembled into a Site Description report (summarized below). The Site Description is reviewed with the site owner or manager before anything is shared in a public forum to ensure that the information is correct, and that the owner/manager is comfortable sharing all of the information.

**3. What kind of information is collected for a Site Description report?**

The Site Description includes the location, photos and maps, ownership/management, launch type, range and description of facilities at the site, basic information about accessibility of the site for persons with disabilities, proximity to other launching and landing sites, any plans for changes to the site, wildlife and habitat considerations, and safety considerations.

**4. Who makes the decision to designate?**

Designation decisions are made by the Project Management Team (PMT), which is comprised of staff from the State Coastal Conservancy (Conservancy), the Association of Bay Area Governments (ABAG), BCDC, and the Department of Boating and Waterways (Cal Boating).

**5. Are there specific criteria that need to be met in order to be considered for designation?**

Basic criteria are outlined in the Enhanced Water Trail Plan and summarized here:

- a. The site has launch facilities or launch areas that are open to the public.
- b. The site owner and/or manager would like the site to be part of the Water Trail.
- c. There are no major management issues or potential environmental impacts discussed in the Water Trail Environmental Impact Report (EIR), or other CEQA documents associated with site designation or enhancement activities, that could

not be mitigated as a condition of designation. The site owner/manager would be willing to carry out specific mitigation measures, if any.

- d. The site owner/manager is willing to install a Water Trail identification sign or signs on site.

**6. Does designation apply to a specific period of time or is it open-ended?**

There is no specific end date to designation, just as there is no end date for the Water Trail. Once a site is designated it remains a designated Water Trail site for an indefinite period of time unless one of the following occurs:

- a. Basic criteria for inclusion in the Water Trail are no longer met and the site owner or manager is not able or willing to take measures to remedy the particular issue. In such a case, the Water Trail program would “un-designate” the site, remove information about the site from the Water Trail website, and require that the Water Trail sign be removed from the site. Any site that has received Water Trail funds would be required to nonetheless maintain the publicly funded improvements for a minimum of 20 years. Closing the site to public use after receiving public grant funds would trigger a more complicated scenario.
- b. The site owner/manager no longer wants to be part of the Water Trail, in which case the site owner can withdraw (but see notes about Water Trail grant funding in Question 20, below).

**7. How long does the whole designation process take and what is the level of effort for the site owner/manager?**

The answer to this question depends on the individual site. At a minimum, Water Trail staff will work with a site owner and/or manager over a period of about six weeks leading up to one of the quarterly Water Trail public implementation meetings. All designation decisions are made at the meeting, and all designations are conditional until Water Trail identification signage has been installed at the site. Installation of a Water Trail sign would add a small amount of additional time.

The level of effort for owners/managers will vary, depending on whether they need to get on a docket to present the idea of designation to a governing or legislative body, if they are applying for grant funds at the same time, if they are planning some construction activities to enhance the site, and so on. Water Trail staff does everything it can to alleviate the burden on owners/managers by developing the Site Description, reviewing the site under the WT EIR, taking photographs as needed, making additional maps as needed, and volunteering to make a presentation to the governing body of the owner/manager if requested. Water Trail staff presents the project at the Water Trail implementation meeting, but does ask that a representative of the site owner/manager be present at the public meeting where designation decisions are made.

**8. What does it cost the site owner or manger to apply for designation or be designated?**

There is no fee associated with requesting designation, being designated, or remaining a designated Water Trail site. The cost of materials that are prepared for the public meeting, the cost of the Water Trail identification sign, and the cost of an administrative permit amendment from BCDP (if needed for the sign) are borne by the Water Trail program as long as it still has funding available. The site owner/manager is responsible for the costs of managing and maintaining the site, but these are not costs imposed by the Water Trail.

**9. Does the Water Trail program require a written agreement of some sort from the owner/manager?**

There is no formal, written agreement between the Water Trail program and the site owner/manager. The Site Description for the trailhead reflects the management and use of the site as it exists at the time of designation. If, over time, there is a major departure from that mutual understanding that results in the site no longer meeting the basic criteria for designation, then Water Trail staff would want to know. In a worst case scenario the site could be un-designated.

**10. Does the Water Trail program require a resolution or letters of support?**

We do not expressly require a resolution or letter of support, but we need to see evidence of some kind that the owner/manager and governing or controlling body for the site (if it is a publicly owned site) supports the site joining the Water Trail. This support is often expressed at a public meeting of a governing body, such as a city council or board of supervisors, but can also be shown in an adopted management plan that includes the site, or by means of some other public document.

**11. What happens after designation?**

Since all designations are initially conditional, site owners work with Water Trail staff to meet any conditions. Once all conditions are met, designation is complete and Water Trail staff will stay in touch with site owners at least annually to learn if there have been any notable changes at the site.

**12. What are the benefits of designation for the site owner?**

- a. Only designated, conditionally designated, or sites that have pending designation are eligible for grants from the Water Trail.
- b. Only designated and conditionally designated sites are fully described on the Water Trail website at [sfbaywatertrail.org](http://sfbaywatertrail.org) and in future outreach materials, such as a guidebook or maps. Other landing and launching locations around the Bay are not.

- c. Designated sites will be provided with Water Trail identification signage that includes the Water Trail website address, identifying the site as part of a regional program.

**13. Will the Water Trail Program have any control over site management?**

No, the Water Trail program will not have any control over site management. The only control the Water Trail program has is to un-designate a site that was previously designated.

**14. Do designated sites need to keep their launch site open during certain hours?**

No. Site owners/managers determine and control the hours of operation of their launching and landing facilities. However, if the hours are very limited, it could be difficult for a user of the site to launch for a long paddle and then be able to later get out of the water at the same launch spot. If the launching facilities have set hours of operation, the Water Trail Program would like to include those hours in the description on the Water Trail website so that people can plan ahead and arrive well informed.

**15. What kinds of conditions does designation impose on the site and its management?**

To date, all conditionally designated sites have been waiting for the Water Trail program to build its website (done), create a logo (done), develop a brochure (in draft), and sign program (in draft), because these four components of the Water Trail's Education, Outreach, and Stewardship program are considered important media through which the benefits of the Water Trail are implemented, and potential environmental impacts associated with increased non-motorized small boat use on the Bay are mitigated. The Water Trail EIR determined that these media should be in place before designation is complete.

Other conditions will depend on the site. When a Site Description is prepared for a site that would like to be designated, Water Trail staff review the potential impacts and mitigation measures listed in the programmatic WT EIR and what is known about the site in order to think through whether increased use of the site, as possibly generated by designation, could have any of the potential impacts discussed in the EIR. The areas that are routinely reviewed are those for which a potentially significant impact was found in the review of environmental effects: recreation, navigation, aesthetics, biological resources, cultural resources, hydrology and water quality, and transportation/circulation/parking.

**16. Does the site owner need to complete a CEQA or NEPA document in order to be designated?**

The Conservancy led the development and certified the San Francisco Bay Area Water Trail Environmental Impact Report (WT EIR) in March 2011 in compliance with the California Environmental Quality Act (CEQA). This programmatic EIR is comprehensive in its approach to anticipating the potential impacts that could result from Water Trail-induced non-motorized small boat use on the Bay. This programmatic approach avoided segmenting CEQA for a clearly regional program, and also provided a great efficiency for individual site owners. In many, if not most, cases, site owners who need to comply with CEQA may be able to rely on the analysis and findings of the WT EIR. As stated in the Draft Revised EIR (August 2010), page 3-3, "To streamline the site-specific CEQA review process...this EIR considers reasonable worst-case impacts that could occur at any site, and provides mitigation as feasible at the programmatic level." It also states: "The determination whether or not a mitigation measure applies to any given site would be made during the site-specific CEQA review completed as part of the trailhead designation process."

WT EIR CEQA review for trailhead designation does not replace the site-specific CEQA review required if new facilities will be constructed, but the CEQA lead agency may tier site-specific projects off of it. Additional CEQA review would be limited to any new "effects" that were not covered in the WT EIR, any new mitigation measures beyond those required by the WT EIR for those effects, or any effect that is more severe than anticipated and assessed in the WT EIR.

Whether an agency tiers off of the WT EIR or uses a separate CEQA document to evaluate the effects of a proposed project, Conservancy staff will need to ask the Conservancy board to make findings on that CEQA document. For sites that may rely solely on the WT EIR, this additional step is not needed.

NEPA (National Environmental Policy Act) review is not required by the WT program.

**17. Does the site owner/manager need to attend the Water Trail implementation meeting?**

It is highly desirable, as there may be questions that arise at the meeting that cannot be answered on the spot by Water Trail staff, leading to the possibility of delay in the designation.

**18. Do site owners/managers get a chance to review the information about their site before it is posted on the Water Trail website?**

Yes.

**19. Does the site owner/manager need to install any signs?**

There is always a requirement to install a Water Trail identification sign. The need for other signs will depend on the site and whether there are personal or navigational boating safety concerns (including but not limited to shipping channels and nearby wildlife hunting areas), or wildlife habitat concerns, that would be mitigated through the inclusion of educational messaging on signs at the site. Water Trail staff works with site owners/managers to come to agreement on language and to be sure that however the language is posted at the site blends well with the site and works within the parameters of the signage policy of the site owner.

**20. Are there any grant funds available for Water Trail sites?**

The Water Trail program will release the Request for Proposals (RFP) for a grant program at the end of February 2013. Both public agencies and non-profit organizations may apply. Eligible applicants will be limited to those whose sites are designated, conditionally designated, or in the process of being considered for designation. In the latter case, the PMT will make a conditional designation decision prior to a decision about the award of funds. The total amount of funds available in this first grant round is about \$500,000. The grant program will be administered by ABAG. The main objective of the grant program is to fund capital improvements. A second grant round is expected in 2014. Water Trail staff will assist applicants still in the planning phase, in order to help them move closer to readiness for capital outlay improvements in 2014.

**21. Do sites need to get permits in order to be part of the Water Trail?**

The Water Trail program does not require permits. It is non-regulatory. There may be circumstances in which a site owner will need to amend an existing permit or apply for new permits, based on the requirements of regional, state, or federal regulatory agencies. Some sites may need to request an amendment to an existing permit from BCDC in order to install the Water Trail sign. (The Water Trail program would pay for this small administrative fee for the sign, as long as there are still funds in the program.) If the designation is made in connection with an awarded Water Trail grant, and the grant will be used for construction, there would likely be permit requirements from regulatory agencies for the construction.

**22. Does the Water Trail program have specific requirements related to accessibility?**

Not at this point in time. We are developing a Water Trail Program Accessibility Plan to describe our approach to making the Water Trail accessible on a program-level. Since the Water Trail does not own or control any sites, we cannot require any site to comply with existing accessibility laws, including the development of a Self-Evaluation and Transition Plan, which would be particularly helpful for planning purposes. Nonetheless, we want to be sure to provide opportunities for persons with disabilities to gain access

to the water for non-motorized small boat use around San Francisco Bay, as conditions, funding, and site owner cooperation allow, and are working to accomplish this goal.

In the short term, we are favoring designation of sites that are the most accessible, relative to all of the other existing sites.

**23. How many other sites have been designated?**

Three sites have been conditionally designated to date: Tidewater Boating Center in Alameda County; Angel Island State Park in Marin County; and Palo Alto Baylands Sailing Station in Santa Clara County.

**24. When and where are Water Trail Implementation Meetings held?**

The meeting schedule for 2013 is March 22, June 28, September 27, and December 13. Meetings are expected to take place at the Coastal Conservancy at 1330 Broadway, in the 11<sup>th</sup> Floor Conference Room, Oakland, CA. The meeting room is wheel chair-accessible and meeting notices are posted at [www.scc.ca.gov](http://www.scc.ca.gov) at least 10 days prior to each public meeting. You may review past agendas and meeting summaries at this same website.

**25. What is the relationship between the Bay Trail and the Water Trail?**

These two regional trail systems both offer recreational and public access opportunities around the shoreline of San Francisco Bay in the nine-county Bay Area and are often in close proximity to one another. The Bay Trail is a program of ABAG and is managed by the San Francisco Bay Trail Project, a non-profit organization. It is strictly a land-based, mostly linear trail with a planned alignment around the Bay.

The Water Trail is a program of the State Coastal Conservancy, and is led by the Conservancy in very close partnership with ABAG, and in partnership with BCDC, and Cal Boating as well. The Water Trail is a water-based program and is envisioned as a network of landing and launching sites rather than as a linear trail. Although it is water-based, trailheads are along the shoreline of the Bay or up rivers or sloughs in some cases. The Conservancy is a major funder for both programs.